

**ENTERED**

August 01, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CALVIN EDWARD WEAVER,

Plaintiff,

VS.

BRYAN COLLIER, *et al*,

Defendants.

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CIVIL ACTION NO. 4:18-CV-1652

**ORDER DENYING MOTION FOR COUNSEL**

The plaintiff, state inmate Calvin Edward Weaver, has filed a *pro se* complaint under 42 U.S.C. § 1983, alleging violations of his civil rights and he has been granted leave to proceed *in forma pauperis*. The plaintiff has now filed a motion requesting appointment of counsel. (Doc. # 8). The plaintiff's motion is denied for reasons set forth briefly below.

In his pending motion, the plaintiff requests counsel on the grounds that he is indigent and incarcerated. A civil rights plaintiff has no automatic right to the appointment of counsel. *See Hulsey v. State of Texas*, 929 F.2d 168, 172-73 (5th Cir. 1991) (citing *Freeze v. Griffith*, 849 F.2d 172, 175 (5th Cir. 1988); *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir. 1982)). The appointment of counsel is not required unless a case presents exceptional circumstances. *See Hulsey*, 929 F.2d at 173 (citing *Ulmer*, 691 F.2d at 212-13). Other than pointing to his status as an indigent inmate, the plaintiff provides no details in support of his request. Because he does not allege or show that exceptional circumstances warrant the appointment of counsel in this case, the plaintiff's motion will be denied at this time. If appropriate, the Court will reconsider whether counsel is necessary on its own motion at a later date.

It is therefore ORDERED that plaintiff's motion for appointment of counsel (Doc. # 8) is DENIED.

The Clerk will provide a copy of this Order to the parties.

It is so ORDERED.

SIGNED on this 1<sup>st</sup> day of August, 2018.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge